

Department of Community Planning and Economic Development
Variance
BZZ 6384

Date: January 9, 2014

Applicant: Ann Rauvola and Jayant Saraph

Address of Property: 58 Orlin Avenue SE

Contact Person and Phone: Ann Rauvola, (612) 207-7046

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: December 10, 2013

End of 60-Day Decision Period: February 8, 2014

Ward: 2 Neighborhood Organization: Prospect Park/East River Road Improvement Association

Existing Zoning: R1A Single-Family District

Existing Overlay District: UA University Area Overlay District

Zoning Plate Number: 22

Proposed Use: A new attached garage with a roof-top deck accessory to an existing single-family dwelling.

Concurrent Review:

- Variance to reduce the established front yard setback along Orlin Avenue SE from approximately 29 feet 6 inches to approximately 11 feet to allow for the new attached garage and roof-top deck.
- Variance to reduce the minimum southeast interior side yard setback from 5 feet to approximately 0 feet to allow for the new attached garage and roof-top deck.
- Variance to allow for an attached garage to be located greater than 5 feet beyond the habitable portion of the dwelling towards the street.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Section 525.520(8) “to permit parking that cannot comply with the location requirement for on-site parking...” and Chapter 537 Accessory Uses and Structures.

Background: The subject property is approximately 75 feet by 88 feet, on average, (6,617 square feet) and the use is an existing single-family dwelling with a tuck-under garage. The dwelling and garage

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were permitted for construction in 1921. The subject property does not have access to a public alley and an existing driveway and retaining wall exist between the tuck-under garage and Orlin Avenue SE. The applicant is proposing to remodel the existing tuck-under garage to habitable space and construct a new 19 foot 8 inch by 22 foot 10 inch attached garage over the existing driveway. The proposed attached garage will have a roof-top deck and would be located approximately 11 feet from the front property line. The minimum front yard setback is approximately 29 feet 6 inches, established by connecting the two adjacent structures on each side of the subject property. Therefore, the applicant is seeking a variance to reduce the established front yard setback along Orlin Avenue SE from approximately 29 feet 6 inches to approximately 11 feet to allow for the new attached garage and roof-top deck. The proposed garage and roof-top deck will be located between 0 feet and 2 feet 3 inches to the southeast interior side yard where the minimum setback is 5 feet. The proposed location of the attached garage with roof-top deck will require a variance to reduce the minimum southeast interior side yard setback from 5 feet to approximately 0 feet to allow for the new attached garage and roof-top deck. Finally, the proposed attached garage may not project more than 5 feet beyond the habitable portion of the dwelling per section 535.90(d) of the zoning code:

535.90. Minimum size and width, principal entrance and windows, and location of attached garage requirements for residential uses. (d) *Attached garage facing the front lot line. Attached accessory uses designed or intended for the parking of vehicles accessory to single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall extend no more than five (5) feet closer to the front lot line than the façade of a habitable portion of the dwelling when the garage door or doors face the front lot line.* In addition, the width of the garage wall facing the front lot line shall not exceed sixty (60) percent of the width of the entire structure.

As of the writing of this staff report, staff has not received any correspondence from the Prospect Park/East River Road Improvement Association. Staff will forward comments, if any are received, at the Board of Adjustment meeting.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: (1) to reduce the required front yard setback along 45th Street West from 20 feet to approximately 0 feet to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling, (2) to reduce the east interior side yard setback from 5 feet to approximately 1 foot to allow for a new tuck-under garage with a roof-top deck to an existing single-family dwelling, and (3) to allow an attached, front-facing garage to project more than five feet beyond the habitable portion of the dwelling

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

All garage variances: Staff recognizes that there are unique circumstances of the property, including the unique lot shape, the existing location of the single-family dwelling, the topography of the site and the lack of alley access that contribute to practical difficulties in complying with the ordinances. Staff finds that these circumstances have not been created by the applicant. The subject property is 75 feet wide and 88 feet deep and the grade increases 10 feet from the public street towards the dwelling. The dwelling and tuck-under garage were permitted for construction in 1921 in their present location. The existing tuck-under garage is accessed from Orlin Avenue SE, due to the lack of an alley. The applicant is proposing to remodel the existing tuck-under garage and construct a new attached garage to allow for a usable parking area.

Both roof-top deck variances: Staff recognizes that there are unique circumstances of the property, shape of the lot, the existing location of the single-family dwelling, the grade changes on the property that contribute to practical difficulties in complying with the ordinances. Staff finds that these circumstances have not been created by the applicant. Staff finds that the location of the proposed attached garage is appropriate. Based on the grade changes on the property and the location of the garage, a guard rail would be required around the perimeter of the proposed garage.

2. **The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

All variances: Staff finds that the applicant is proposing to use the property in a reasonable manner that is consistent with the zoning code and comprehensive plan. The purpose of yard requirements and regulating the location of accessory structures is to provide for orderly development and use of land and to minimize conflicts among land uses between principal and accessory uses. The adjacent properties to the south and east, located at 64 and 70 Orlin Avenue SE, are single-family dwellings with garages immediately adjacent to the public sidewalk. The proposed garage and roof-top deck would be located 10 feet from front property line and between 2 feet 3 inches to 0 feet to the southeast interior property line, over the existing driveway and between the existing retaining walls, which will minimize the visual impacts. In addition, the proposed garage with roof-top deck would be located immediately adjacent to the neighbor's garage.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

All variances: Staff finds that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. As previously mentioned the proposed garage will be placed within the existing retaining walls and over the existing driveway. In addition, the adjacent properties have a similar garage location at the front of the property due to the lack of a public alley. The exterior materials of the proposed garage will be stucco with wood and brick trim to match the existing dwelling. The adjacent

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structures to the south and east similarly have garages with roof-top deck immediately adjacent to the public sidewalk. Finally, if granted the proposed variances will not be detrimental to the health, safety or welfare of the general public. The proposed garage will require a building permit and compliance with the applicable building codes.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the established front yard setback along Orlin Avenue SE from approximately 29 feet 6 inches to approximately 11 feet to allow for the new attached garage and roof-top deck accessory to an existing single-family dwelling located at 58 Orlin Avenue SE in the R1A Single-Family District and UA University Area Overlay District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials of the proposed garage shall complement the existing dwelling.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the minimum southeast interior side yard setback from 5 feet to approximately 0 feet to allow for the new attached garage and roof-top deck accessory to an existing single-family dwelling located at 58 Orlin Avenue SE in the R1A Single-Family District and UA University Area Overlay District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials of the proposed garage shall complement the existing dwelling.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to allow for an attached garage to be located greater than 5 feet beyond the habitable portion of the dwelling towards the street accessory to an existing single-family dwelling located at 58 Orlin Avenue SE in the R1A Single-Family District and UA University Area Overlay District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials of the proposed garage shall complement the existing dwelling.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Gordon and Prospect Park/East River Road Improvement Association
3. Zoning map
4. Site Plan
5. Building elevations
6. Floor plans
7. Photos